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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**

10 BRIAN D. WATSON,

11 Plaintiffs,

Case No. C03-5503

12 v.

ORDER ALTERING JUDGMENT
PURSUANT TO FED.R.CIV.P.59(e);(60)

13 WYETH, D.B.A., WYETH CONSUMER
14 HEALTHCARE, and WYETH, INC.,

15 Defendant.
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18 THIS MATTER comes before the court on Defendants Motion to Alter Judgment Pursuant to
19 Fed.R.Civ.P.59(e) and 60. The court has reviewed all materials submitted in support of and in response to said
20 motion as well as the files and records herein. This motion is noted for May 20, 2005. There are pending
21 motions by plaintiff for attorneys fees and an additur based on the tax consequences of the award.
22 Additionally, there is a cost bill pending. Defendant has pending a motion for judgment notwithstanding the
23 verdict or in the alternative a new trial. Given the response from plaintiff to the Motion to Alter Judgment the
24 court sees no reason to delay ruling on the same.

25 Defendant correctly alleges that the court erred in doubling the entirety of the April 13, 2005
26 \$881,000.00 jury verdict, following the jury determination that the defendant "wilfully" discriminated against
27 the plaintiff in violation of his rights under the Age Discrimination in Employment Act. This error resulted in
28 the entry of judgment in the sum of \$1,762,000 on April 18, 2005.

1 In his response plaintiff concurs with defendant's assertions that the provisions of the act allows only
2 for the "doubling" of the back pay award, which the jury determined to be \$93,000,00. When added to the
3 entire \$881,000 verdict, the total judgment should amount to \$974,000 effective April 18, 2005.

4 ACCORDINGLY, the court grants defendants motion to alter the judgment to reflect a total award of
5 \$974,000.00 effective April 18, 2005, exclusive of whatever other relief may hereafter be granted by way of
6 additur, costs, or attorneys fees.

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8 May 12, 2005

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10 /s/ J. Kelley Arnold
United States Magistrate Judge